

H.R.1346

Medical Device Safety Act of 2009 (Introduced in House)  
HR 1346 IH

111th CONGRESS  
1st Session  
H. R. 1346

To amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

IN THE HOUSE OF REPRESENTATIVES

March 5, 2009

Mr. PALLONE (for himself, Mr. WAXMAN, Mrs. CAPPS, Mr. STUPAK, Mr. BISHOP of Georgia, Mr. GRIJALVA, Mr. HINCHEY, Mr. DOYLE, Mr. HIGGINS, Mr. OLVER, Ms. SCHAKOWSKY, Mr. BRALEY of Iowa, Mr. DINGELL, Mr. WEINER, Mr. SARBANES, Ms. SUTTON, Mr. WEXLER, Mr. NADLER of New York, Mr. BACA, Mr. HINOJOSA, Mr. GENE GREEN of Texas, Mr. TERRY, Mr. KUCINICH, Mr. MARKEY of Massachusetts, Ms. ZOE LOFGREN of California, Mr. LIPINSKI, Mr. WU, Ms. DEGETTE, Ms. HIRONO, Mr. DELAHUNT, Mr. SCOTT of Virginia, Ms. WASSERMAN SCHULTZ, Mr. BLUMENAUER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BRADY of Pennsylvania, Mr. CONNOLLY of Virginia, Mr. MEEKS of New York, Mr. CONYERS, Mr. JOHNSON of Illinois, Mr. ROTHMAN of New Jersey, Ms. CASTOR of Florida, Ms. NORTON, Mr. LYNCH, Mr. BERMAN, Mr. BOSWELL, Mr. SCHIFF, Ms. DELAURO, Mr. LOEBSACK, Mr. STARK, Mr. FILNER, Mr. RUSH, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. MCNERNEY, Ms. BALDWIN, Mr. BUTTERFIELD, Ms. SLAUGHTER, Ms. MATSUI, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, Mr. HASTINGS of Florida, Mr. AL GREEN of Texas, Mr. WELCH, Mr. DAVIS of Alabama, Mr. JOHNSON of Georgia, and Mr. HODES) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act with respect to liability under State and local requirements respecting devices.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Medical Device Safety Act of 2009'.

SEC. 2. LIABILITY UNDER STATE AND LOCAL REQUIREMENTS RESPECTING DEVICES.

(a) Amendment- Section 521 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360k) is amended by adding at the end the following:

`(c) No Effect on Liability Under State Law- Nothing in this section shall be construed to modify or otherwise affect any action for damages or the liability of any person under the law of any State.'

(b) Effective Date; Applicability- The amendment made by subsection (a) shall--

(1) take effect as if included in the enactment of the Medical Device Amendments of 1976 (Public Law 94-295); and

(2) apply to any civil action pending or filed on or after the date of enactment of this Act.

